

COTTONWOOD HEIGHTS

RESOLUTION NO. 2012-08

A RESOLUTION ADOPTING INTERNAL POLICIES FOR THE COTTONWOOD HEIGHTS CITY COUNCIL

WHEREAS, section 2.30.190 of the COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*Code*") authorizes the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") to adopt written policies concerning such matters as the Council deems advisable to structure or facilitate the Council's internal administration and operation; and

WHEREAS, the Council heretofore has developed, discussed and analyzed the proposed written policies that are attached hereto (the "*Policies*"); and

WHEREAS, the Council met in a regular meeting on 13 March 2012 to consider, among other things, approving and adopting the Policies; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and adopt the attached Policies for the Council, subject to future amendment or rescission;

NOW THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the attached Policies be, and hereby is, approved and adopted for the Council, subject to future amendment or rescission.

This Resolution, assigned no. 2012-08, shall take effect immediately upon passage.

PASSED AND APPROVED this 13th day of March 2012.

COTTONWOOD HEIGHTS CITY COUNCIL

By Kellymore - 0 -
Kelvyn H. Cullimore, Jr., Mayor



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 13th day of March 2012.

RECORDED this 14 day of March 2012.

575076.1

1 January 2012

COTTONWOOD HEIGHTS

CITY COUNCIL--INTERNAL POLICIES

Pursuant to section 2.30.190, COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*Code*"), the following policies have been adopted by the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") concerning matters that the Council deems advisable to structure or facilitate the Council's internal administration and operation. In the event of any conflict or inconsistency between the Code and these policies, the Code shall control.

POLICY #1--ELECTED OFFICIAL REIMBURSABLE EXPENSES

1.1 GENERAL POLICY

It is the Council's general policy to reimburse members of the Council ("*Council members*") for their reasonable expenses incurred in the course of their service as elected officials of the City. Such reimbursement may be paid from the City's petty cash or as a separate check, as determined by the City's Finance Director or other designee (the "*Director*") of the City's Manager (the "*Manager*"), upon presentation of appropriate documentation. Alternatively, Council members may be paid a monthly stipend to cover such expenses in an amount determined by the Council from time to time.

1.2 GENERAL TRAVEL; TRAINING AND CONFERENCES

If the Council determines that it is in the City's best interest for one or more Council members to attend seminars, conferences, briefings or to otherwise obtain training or to gather information, including in connection with a Council member's assignment(s) to "outside" or "inside" committees (collectively, "*conferences, etc.*"), the attending Council member will be reimbursed for the related expenses according to the following policy. As used herein, "appropriate documentation" means such documentation as the Director reasonably may require to substantiate the amount, payment, etc. of the subject expenditure.

(1) All registration fees for conferences, etc. should be paid in advance directly by the City. If this is not possible, charges will be reimbursed for the actual amount paid (including applicable taxes and additional fees) upon presentation to the Director of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(2) Air fares for conferences, etc. will be reimbursed for the actual amount paid (including applicable taxes and airport imposed fees) upon presentation of appropriate documentation establishing such expenditure; provided that travel shall be by economy class unless otherwise approved. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(3) Hotel expenses (excluding any personal items or services purchased through the room charges) for conferences, etc. will be reimbursed for the actual charges (including applicable taxes and hotel imposed fees) upon presentation of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(4) Rental cars, rented for use during conferences, etc. should be paid in advance directly by the City. If this is not possible, charges will be reimbursed for the actual amount paid (including applicable taxes and additional fees) upon presentation of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(5) Use of a Council member's personal vehicle to attend conferences, etc. will be reimbursed based on the actual mileage incurred, determined by using MapQuest (or similar GPS based system) to determine the lowest round trip miles, with the starting point as City's main offices and the ending point at the applicable address of the conference, etc. The mileage rate will be the established rate allowed by the IRS as reimbursement without cost documentation.

(6) A daily per diem reimbursement will be provided, based on applicable IRS rates as determined by the Director, to cover the cost of meals and other incidental expenses when a Council member travels more than one hundred miles and includes at least one overnight stay. Per diem reimbursement forms are available from the Finance Department.

(7) Requests for reimbursement shall be on a City-provided form, signed and certified by the requestor. Requests should be submitted within 30 days after the expense is incurred. Without the Council's express consent, requests for reimbursement may not be submitted later than 30 days after the end of the City fiscal year in which such expense was incurred.

1.3 COMPUTER AND TELEPHONE

It is the general policy of the Council for all Council members to be immediately accessible, through electronic means, to the City's other elected and appointed officers and key employees in order to facilitate conduct of City business, response in emergency situations, etc. Consequently, Council members should have in operation at all times a computer and a smart phone, together with appropriate levels of voice and data service. Such equipment will be issued by the City to each Council member for use during his/her term of office. Alternatively, a Council member may opt to use his/her own equipment and be reimbursed by the City via a uniform, Council-approved monthly stipend paid through the City's payroll/reimbursement process.

Computer

(1) City-Owned Computer. A City-owned desk top, laptop, or tablet computer (ePad/iPad) (a "computer") will be provided at no charge to a Council member for use during his/her term of office.

(a) *De minimus* personal usage of such device is allowed by Council policy. Although the City's understanding is that the IRS currently considers such *de minimus* personal

use of City equipment to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The City will provide one such device to an elected official during a four year term of office, unless the City determines that it is in the best interest of the City to upgrade its technology platforms, etc. from time to time.

(c) The City will provide IT support of the device. Software prohibited by the City's IT department or the Council's IT committee may not be downloaded onto the device.

(d) Any City-owned computer is subject to a search under GRAMA or other applicable law.

(2) Privately-Owned Computer. Alternatively, a privately purchased computer may be used to conduct City business. The City will reimburse a Council member for use of such privately-owned equipment by paying a standard, Council-approved stipend to reimburse the cost of purchasing and providing internet service for such device. Until changed by the Council, the rate of reimbursement shall be \$300 per year, paid at the rate of \$25/month through the City's payroll/reimbursement process.

(a) The City intends to provide the stipend without tax consequences as a non taxable fringe benefit because it meets the following rules: (i) the City needs to be able to contact the Council member at all times for work-related emergencies and to provide City-related documents and correspondence to Council members; and (ii) the City requires that the Council member be available to correspond via email with constituents at times when he is away from the office or at times outside of the Council member's normal City work schedule. Although the City's understanding is that the IRS currently considers such a stipend to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The privately-owned computer must meet compatibility requirements of the City.

(c) The Council member may purchase as many computers or as often as he deems appropriate for his/her individual needs; however, only one "computer" stipend shall be paid to each qualifying Council member.

(d) The City will provide IT support of a privately-owned computer to the extent necessary to set up any email capabilities on the device that would simultaneously notify the Council member of an email sent to him/her through the City's email system, and such other software determined by the City to be necessary or advisable to conduct City business. However, there will be no City IT support of any hardware component of a privately-owned computer.

(e) Any privately-owned computer used to conduct City business may be subject to a search under GRAMA or other applicable law.

"Smart Phone"

(1) City-Owned Smart Phone. A City-owned "smart phone" (iPhone; Android; etc.) (a "smart phone") will be provided at no charge to a Council member for use during his/her term of office. The monthly cost of providing voice and data service to such smart phone (per average City plan) will be paid by the City.

(a) *De minimus* personal usage of such device is allowed by Council policy. Although the City's understanding is that the IRS currently considers such *de minimus* personal use of City equipment to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The City will provide one such device to an elected official during a four year term of office, unless the City determines that it is in the best interest of the City to upgrade its technology platforms, etc. from time to time.

(c) The City will provide minimal IT support of the device. Maintenance and repairs will be completed based on the contract provider agreement. Software, apps, etc. prohibited by the City's IT department or the Council's IT committee may not be downloaded onto the device.

(d) Any City-owned smart phone is subject to a GRAMA search; consequently, there is no expectation of privacy for any City-owned device.

(2) *Privately-Owned Smart Phone*. A privately purchased smart phone is allowed to be used to conduct City business. The City will pay a standard, Council-approved stipend to reimburse the cost of purchasing and/or supplying voice/data plans to a privately-owned smart phone used conduct City business. Until changed by the Council, the rate of reimbursement shall be \$900 per year, paid at the rate of \$75/month through the City's payroll/reimbursement process.

(a) The City intends to provide the stipend without tax consequences as a non taxable fringe benefit because it meets the following rules: (i) the City needs to be able to contact the Council member at all times for work-related emergencies; and (ii) the City requires that the Council member be available to speak with constituents at times when he is away from the office or at times outside of the Council member's normal City work schedule. Although the City's understanding is that the IRS currently considers such a stipend to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The device purchased must meet compatibility requirements of the City.

(c) The Council member may purchase as many smart phones or as often as he deems appropriate for his/her individual needs; however, only one "smart phone" stipend shall be paid to each qualifying Council member.

(d) The City will provide IT support of a privately-owned device to the extent necessary to set up any email capabilities on the device that would simultaneously notify the Council member of an email sent to him/her through the City's email system, and such other software determined by the City to be necessary or advisable to conduct City business. However, there will be no City IT support of any hardware component of a privately-owned smart phone.

(e) Any privately-owned smart phone may be subject to a search under GRAMA or other applicable law.

POLICY #2—MEDIA RELATIONS

The City's mayor (the "*Mayor*") is the official spokesman for the Council. As such, the Mayor is responsible for representing the Council to the news media, and all media inquiries should be directed to the Mayor or, in the Mayor's absence, to the City's mayor pro tempore. If a Council member, other than the Mayor or mayor pro tempore, agrees to the media's information request concerning that Council member's involvement in a particular situation, the Council member must state prior to the interview that he is not speaking on behalf of the entire Council, but is expressing only his own opinions or views. If a Council member disagrees with the Mayor's statements to media concerning a specific issue, the Council member should approach the Mayor privately and/or request inclusion of the matter on an upcoming agenda for discussion by the entire Council.

POLICY #3—INTERACTION WITH CITY STAFF

Code section 2.20.090 provides that (a) no Council member shall interfere in any way with the performance by the Manager or the Manager's subordinates of their duties, or (b) give orders to any subordinate of the Manager, either publicly or privately, but that (c) Council members may make suggestions and recommendations to the Manager.

Council members also may make information inquiries to department heads so long as responding to such request will not require a significant expenditure of staff time or City resources. All other requests shall be directed to the Manager, who is tasked with managing City staff and resources. For example, a request from a Council member to a department head concerning the status of a specific business license application (likely requiring the investment of only a few minutes of staff time to respond) may be permissible, while a request from a Council member to a department head requesting a special study of a number of business licenses (likely requiring the investment of significant staff time to respond) would not be permissible. In the event of any uncertainty, Council members shall alert the Manager to any desired request to City staff.

POLICY #4—COMMITTEE ASSIGNMENTS

(1) *Participation on "Outside" Boards, Commissions and Community Task Forces.*
Pursuant to Code section 2.20.030(D) and applicable state law, the Mayor is charged with representing the City in all of its external relationships, such as the City's participation on boards, commissions and community task forces involving other government entities ("*Outside Committees*"). The Mayor may from time to time delegate to a Council member, or remove a Council member from, representation of the City's interests on one or more Outside Committees. If the Council member accepts such assignment(s), (a) the Council member shall attend all meetings of the Outside Committee or notify the Mayor of any conflict as far in advance as

reasonably possible, and (b) provide to the Council at its next work meeting a verbal or written (preferably, both) report of the proceedings of such Outside Committee meeting after informing the City recorder to place such report on the agenda for that meeting. Council members serving on Outside Committees shall obtain Council approval before offering an official position of the City.

(2) *Liaison to City Advisory Committees.* Council members may also be appointed as liaisons to legislative advisory committees under Code section 2.30.180 and/or City advisory committees under Code chapter 2.140. To enhance citizen involvement on such internal City committees ("*Inside Committees*"), the Council liaison should limit his/her involvement to observation, facilitation and information exchange rather than control or direction of the Inside Committee. Assignment to a legislative advisory committee under Code section 2.30.180 shall be brought before the Council for consensus selection. Assignment to a City advisory committee under Code chapter 2.140 shall be by the Manager with advice and consent of the Council. With regard to an assignment to an Inside Committee, (a) the Council member shall attend all meetings of the Inside Committee or notify the Mayor (as to legislative advisory committees) or Manager (as to city advisory committees under Code chapter 2.140) of any conflict as far in advance as reasonably possible, and (b) provide to the Council at its next work meeting a verbal or written (preferably, both) report of the proceedings of such Inside Committee meeting after informing the City recorder to place such report on the agenda for that meeting. Council members serving as liaisons to Inside Committees shall obtain Council approval before offering an official position of the City to such committee.

POLICY #5—CITY-INITIATED ACTIONS

City-initiated actions are those that are proposed, researched and sponsored by the City's elected officials and staff without a private party applicant. In the land use context, City-initiated actions most commonly will be amendments to the City's general plan or zoning map, creation of new land use ordinances or amendments to the existing Code. They may also include conditional and permitted use issues from time to time.

To reduce or eliminate potential conflicting views regarding the appropriateness and ripeness of an issue for City-initiated action, the following process should be followed to officially identify as City-initiated any material modification to the City's land use regimen. A similar process (with appropriate changes for proposed legislative action outside the land use context) is appropriate for City-initiated modifications of other portions of the Code.

(1) Any city officer or employee may recommend a City-initiated change to the City's land use regimen. In doing so, it is appropriate to explore the concept with other appropriate officers or employees in contemplation of presenting the concept to the Council. Once the concept has been sufficiently vetted, the officer or employee would present the concept to the Council for validation and authorization to further pursue the concept.

(2) Upon validation by the Council, the City's planning director would present the conceptual outline of the City-initiated action for review, as appropriate, by:

- (a) The City's Development Review Committee;
- (b) The City attorney; and
- (c) Appropriate staff.

(3) After receiving recommendations on the conceptual outline from the DRC, the City attorney and any appropriate staff, the planning director would then formulate a memorandum to the Manager which:

- (a) Presents the recommendations from the DRC, the City attorney and other staff;
- (b) Outlines the perceived advantages and disadvantages of pursuing the proposed action; and
- (c) Proposes a timeframe for pursuing the proposed action and identifies the anticipated resulting impact on current staffing.

(4) After discussing the matter with the Manager and Mayor, the planning director would prepare for review by the Council a draft outline of the work to be done, the anticipated effect of the action on the City and the perceived advantages and disadvantages. That information would be formally presented to the Council in a designated work session.

(5) After the Council receives and reviews such information from the planning director, the Council may:

- (a) Grant approval to proceed with the recommended course of action as outlined in the conceptual discussion;
- (b) Grant approval to proceed with a modified course of action;
- (c) Request further information prior to making a decision; or
- (d) Deny the request to further pursue the proposed City-initiated action.

(6) Once approved by the Council, the planning director would follow appropriate steps to present the proposed City-initiated action to the planning commission along with any Council recommendations for public disclosure and involvement.

(7) The foregoing procedure is an internal policy of the Council and the City's administration. Although failure to comply with this policy may constitute grounds for internal disciplinary proceedings against any City officer or employee alleged to have violated it, any such failure shall not constitute grounds for invalidating any related action taken by the city's Council, planning commission, or other public body or office that otherwise complies with applicable City ordinances and Utah statutes, including, without limitation, Title 19, COTTONWOOD HEIGHTS CODE OF ORDINANCES, and the Municipal Land Use, Development, and Management Act, UTAH CODE ANN. 10-9a-101 *et seq.*

POLICY #6—TRANSITION TO COUNCIL OFFICE FOLLOWING MUNICIPAL ELECTIONS

A Council member who is not reelected shall deliver any City-owned equipment to the Manager or designee no later than noon on the day that elected officials of the City take their oath of office. City-owned property includes, but is not limited to, computers, smart phones, software, office keys, City identification, etc. Council members who are not reelected must meet with the Manager or designee to complete and sign a separation checklist before receiving their final paychecks. As soon as practical after the elected officials of the City take their oath of office, Council staff shall arrange for City-owned property to be distributed to the new Council member(s).

POLICY #7—AMENDMENT TO COUNCIL INTERNAL POLICIES

Any Council member may propose amendments, revisions or additions (an “*amendment*”) to these internal policies, which may be approved by resolution in a business meeting of the Council.

574735.2